

This Page Is Inserted by IFW Operations
and is not a part of the Official Record

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images may include (but are not limited to):

- BLACK BORDERS
- TEXT CUT OFF AT TOP, BOTTOM OR SIDES
- FADED TEXT
- ILLEGIBLE TEXT
- SKEWED/SLANTED IMAGES
- COLORED PHOTOS
- BLACK OR VERY BLACK AND WHITE DARK PHOTOS
- GRAY SCALE DOCUMENTS

IMAGES ARE BEST AVAILABLE COPY.

**As rescanning documents *will not* correct images,
please do not report the images to the
Image Problem Mailbox.**

THIS PAGE BLANK (USPTO)



The
Patent
Office

PCT/GB 9 9 / 0 2 5 1 0

30

JULY

1999

INVESTOR IN PEOPLE

ESAU

GD99/2510

The Patent Office
Concept House
Cardiff Road
Newport
South Wales
NP10 8QQ

REC'D 08 SEP 1999

WIPO PCT

I, the undersigned, being an officer duly authorised in accordance with Section 74(1) and (4) of the Deregulation & Contracting Out Act 1994, to sign and issue certificates on behalf of the Comptroller-General, hereby certify that annexed hereto is a true copy of the documents as originally filed in connection with the patent application identified therein.

In accordance with the Patents (Companies Re-registration) Rules 1982, if a company named in this certificate and any accompanying documents has re-registered under the Companies Act 1980 with the same name as that with which it was registered immediately before re-registration save for the substitution as, or inclusion as, the last part of the name of the words "public limited company" or their equivalents in Welsh, references to the name of the company in this certificate and any accompanying documents shall be treated as references to the name with which it is so re-registered.

In accordance with the rules, the words "public limited company" may be replaced by p.l.c., plc, P.L.C. or PLC.

Re-registration under the Companies Act does not constitute a new legal entity but merely subjects the company to certain additional company law rules.

**PRIORITY
DOCUMENT**

SUBMITTED OR TRANSMITTED IN
COMPLIANCE WITH RULE 17.1(a) OR (b)

Signed

Dated

23 AUG 1999

THIS PAGE BLANK (USPTO)



The Patent Office

Request for grant of a patent

The Patent Office
Cardiff Road
Newport
Gwent NP9 1RH

RECEIVED
25 FEB 1999
10.00 AM
10.00 AM
10.00 AM

1	Your reference	SPG/P36067		
2	Patent application number	9904232.7 25 FEB 1999		
3	Full name, address and postcode of the applicant	JNA Limited Whitland Abbey Whitland Carmarthenshire SA34 OLG 5878186001		
	Patents ADP number			
	State of incorporation	England and Wales		
4	Title of the invention	Optical Device		
5	Name of agent	Harrison Goddard Foote		
	Address for service	Belmont House 20 Wood Lane Headingley Leeds LS6 2AE 14571001		
	Patents ADP number			
6	Priority applications	Country	Priority App No	Date of Filing

7	Parent application (eg Divisional)	Earlier Application No	Date of Filing
8	Statement of Inventorship Needed?	Yes	
9	Number of sheets for any of the following (not counting copies of same document)		
	Continuation sheets of this form		
	Description	8	
	Claims	1	
	Abstract		
	Drawings	7	
10	Number of other documents attached		
	Priority documents		
	Translations of priority documents		
	P7/77		
	P9/77		
	P10/77		
	Other documents		
11	I/We request the grant of a patent on the basis of this application.		
	Signature	<u>S.P. Gilholm</u>	Date 24 Feb 1999
12	Name and daytime telephone number of person to contact in the United Kingdom	Steve Gilholm	
		+44 113 2258350	

OPTICAL DEVICE

This invention relates to an optical device for monitoring or measuring the arterial oxygen saturation with motion artefact suppression.

5

Monitors are available which use non-invasive optical techniques to measure the arterial oxygen saturation in patients. As is well known in the art, these instruments suffer interference due to patient movement, motion artefact.

- 10 For example, it is known, that in order to measure blood oxygen saturation, it is necessary to provide a device which passes light through biological tissue, such as the human finger, and to monitor the transmitted or reflected output signal from a photodetector of this device continuously. Such devices are described, inter alia, in International Patent Application No WO94/03102. Movement of the subject leads to
- 15 a change in the length of the path of the light through the biological tissue and hence to a variation in the intensity of light received by the photodetector. This renders the device incapable of distinguishing between changes in received light intensity caused by variations in light absorption by the component being monitored (eg oxygen in the blood), and changes in received light intensity caused by variations in the light
- 20 pathlength due to movement of the subject.

The problem is common to all optical monitoring devices and can render these devices inoperative for long periods of time. The problem is particularly severe in critical health care applications, where continuous monitoring is essential.

25

We have now devised an optical measuring or monitoring device which is able to monitor or measure the arterial blood oxygen saturation non-invasively and to suppress the effects of motion artefact.

- 30 Melanin is present in increasing concentrations from fair through brown to black skin. The peak of its absorption spectrum is at 500nm decreasing almost linearly

with increasing wavelength. Melanin is present in the epidermis, thus, in very high concentrations as is the case in black skin, it can mask the absorption of haemoglobin in the dermis. Even in brown skin, the absorption by melanin is superimposed on that of haemoglobin so that any algorithm which uses the shape of the absorption spectrum in order to produce SO_2 value needs to compensate for this fact.

Melanin is present in increasing concentrations from fair through brown to black skin. The peak of its absorption spectrum is at 500 nm decreasing almost linearly with increasing wavelength. Melanin is present in the epidermis, thus, in very high concentrations as is the case in black skin, it can mask the absorption of haemoglobin in the dermis. Even in brown skin, the absorption by melanin is superimposed on that of haemoglobin so that any algorithm which uses the shape of the absorption spectrum in order to produce SO_2 value needs to compensate for this fact.

In accordance with this invention, there is provided a sensor device which comprises light source means for emitting a light beam, optionally of a plurality of at least three different wavelengths, photodetector means for receiving the light beam after passing through or being reflected within living tissue and arranged to provide signals corresponding to the intensities of the respective wavelengths received by the photodetector means the arrangement being such that the signal levels corresponding to the different wavelengths bear a predetermined relationship with each other, and signal processing means for processing the actual output signals from the photodetectors to cancel out variations due to motion artefact and to provide an output representing a parameter to be measured or monitored and substantially unaffected by motion artefact.

The sensor of the invention may use a spectral wavelength of from 526 to 586 nm.

A particular advantage of the sensor of the invention is that it only enables a user to compare "slopes" on a graph and the use of a range of different wavelengths allows

for a more accurate determination without an increase in costs. In a preferred embodiment of the invention 3 or more different wavelengths are used, the optimum number of wavelengths is 5 or 6.

- 5 The sensor device of the invention is generally an optical measuring or monitoring device.

The sensor may be attached to the chest or abdomen of an infant. The tip of the sensor may incorporate a mirror and is provided with an optical fibre light
10 transmitting cable such that the fibre cable lies flat on the surface of the skin. White light (20 to 50W quartz halogen light bulb) is preferred and is transmitted along an optical fibre to the skin where multiple scattering occurs as photons interact with cellular and subcellular particles. Light can be absorbed by the haemoglobin present in the blood flowing in the tissue below the sensor before being scattered back along
15 receiving optical fibres. The scattered light can be transmitted along a plurality eg in the preferred embodiment 6 separate fibres to 6 photodetectors via narrow-band optical filters all in the range 500 to 600nm (green/yellow visible light) and especially between 526 and 586. Generally, the number of detectors should be the same as the number of transmitting fibres. The sensor may optionally be heated
20 above normal body temperature, to eg 40°C and up to 42°C for short periods the temperature may even reach 44°C. Alternatively, a single fibre of from 50 to 150nm in diameter may be used with one to three white LEDs.

According to a further feature of the invention we provide a "hand held" sensor
25 ~~device as hereinbefore described.~~

In particular, in the "hand held" sensor of the invention the optical fibre transmitting cable(s) may be replaced by a light emitting diode (LED) which significantly reduces the complexity of the sensor.

30

Before use, the sensor is normalised against darkness and a standard white surface, and the signal from each photodiode is measured to obtain the overall dark and "white balance" figures. Signal processing includes averaging for a period between 10 milliseconds to 10 seconds, subtracting the white balance signal, and taking a
5 logarithm to produce a transmittance at each wavelength.

In the preferred embodiments, the use of 6 wavelengths gives the technique a considerable advantage over the pulse oximetry method which uses the minimum number of wavelengths necessary to obtain the information required. The use of
10 more wavelengths in our method gives the technique stability against spurious disturbances at a particular wavelength, enables flexibility in the algorithm to cope with factors such as skin colour. Nevertheless, the sensor of the invention can utilise either oximetry or pulsed oximetry.

15 Averaging of the signal over a second or more also removes motion artefacts. It is also the case that the technique operates in the visible wavelength range. Thus, although the penetration of light into tissue is much less, the influence of poor contact with the tissue may also be considerably less thus reducing movement artefact. It is important to emphasise that our technique does not measure pulsatility
20 as in the case in pulse oximetry.

SO₂ is the ratio of the oxyhaemoglobin (HbO₂) concentration to the total concentration of haemoglobin expressed as a percentage.

25
$$\frac{[\text{HbO}_2] \times 100}{[\text{HbO}_2] + [\text{Hb}]}$$

$$\text{SO}_2 = \frac{[\text{HbO}_2] \times 100}{[\text{HbO}_2] + [\text{Hb}]}$$

SaO₂ is arterial oxygen saturation

30

The reflected absorptions (A) at six wavelengths (500, 528, 550, 560, 572 and 586 nm) are used to calculate two parameters HbI and OXI:

$$\text{HbI} = (A_{528} - A_{520}) + (A_{550} - A_{528}) + (A_{572} - A_{550}) - (A_{586} - A_{572})$$

$$5 \quad \text{OXI} = ((A_{550} - A_{500}) + (A_{572} - A_{560})) / \text{HbI}$$

SO₂ is calculated from the formula:

$$\text{SO}_2 = 100 = (\text{OXI} - \text{OXI}_0) / (\text{OXI}_{100} - \text{OXI}_0)$$

Where OXI₀ and OXI₁₀₀ are empirically determined values for OXI at SO₂ values of 0% and 100% in skin.

10

The spectral range used for the algorithm is from 526 to 586nm and 22 absorption values are recorded within that range. The first process is to carry out a Kubelka and Monk transformation which reduces the intrinsic effect of the scattering of light within the skin.

15

The following operation is carried out:

$$\text{K-B Transformed spectrum} = 0.5 \times (R^2)/(1-R)$$

20

where R is the remitted spectrum (Reference: Kubelka, P and Munk F, Ein eitrage zur Optik der Farbanstriche, Zeitschrift fur technische Physik, 11a:593-601 (1931)).

25

In a paper presented by Wolfgang Dümmler in 1988, he describes that, according to the Kubelka-Munk theory (see Section II.2), the remission of an infinitely thick sample is dependent only on the quotients of absorption and scattering coefficients and is given by:

$$R_\infty = A/S + 1 - \sqrt{\{A/S (A/S + 2)\}}$$

30

The equation can be solved explicitly according to A/S

$$A/S = 0.5 (R_\infty + 1/R_\infty) - 1$$

where R is the remitted spectrum that is the spectrum of light scattered back from the skin.

- 5 The transformed spectra are then “straightened” by subtracting the interpolated straight line joining the absorption values at the isosbestic wavelengths of 526 and 586nm. This, in part compensates for the melanin concentration.

The straightened spectra are normalised by division by the integral of the absorption
10 values from 526 to 586nm.

The algorithm can make use of two reference spectra. These spectra may be from whole blood (measured in a cuvette) or spectra recorded in skin or the mean spectra recorded from several individuals. One reference spectrum is of fully oxygenated
15 haemoglobin the other is of fully deoxygenated haemoglobin. The fully oxygenated spectrum is obtained by equilibration of whole blood in the cuvette with 95% oxygen and 5% CO₂ at 37°C or, in skin of the forefinger heated to 44°C at maximal reactive hyperaemia following release of the inflatable cuff after 6 minutes of brachial artery occlusion. The fully deoxygenated spectrum is obtained by equilibration of whole
20 blood in the cuvette with 95%N₂ and 5% CO₂ at 37°C or, in skin of the forefinger heated to 44°C at the end of a 6 minute period of brachial artery occlusion prior to release of the inflatable cuff. The reference spectra are K-M transformed, “straightened” and normalised as described above.

25 An iterative process sequentially “mixes” the two references spectra in increments of 1% until the best least squares fit is achieved with the measured spectrum using all the absorption values at the 22 wavelengths. The iteration typically starts by adding 100 parts of the fully oxygenated spectrum to 0 parts of the fully deoxygenated spectrum, then 99 parts of the fully oxygenated spectrum to 1 part of the fully
30 deoxygenated spectrum and so forth until the sum of the squares of the differences between the measured absorption values and those obtained by combining the

reference spectra reaches its minimum value. The resultant SO_2 value is the proportion of the oxygenated reference spectrum in the best fitted spectrum (eg 80 parts of the fully oxygenated spectrum with 20 parts of the fully deoxygenated spectrum would give an SO_2 value of 80%).

5

A maximum limit on the least squares value is stipulated such that noise or artefacts in the recorded spectra lead to the rejection of the SO_2 value.

10 A further important aspect of this invention is the fact that our technique measures arterial blood oxygen saturation. This is achieved in the following way: at normal skin temperature an optical measurement made on the skin of a patient would measure the oxygen saturation of a mixture of venous and arterial blood in the capillaries. In our technique we heat the skin below the sensor to below $40^{\circ}C$. The effect of this application of heat is to cause an increase in skin blood flow, sufficient
15 to cause the oxygen saturation of the blood in the capillaries in the skin to equilibrate with the arterial blood supply. In this way the optical device will measure the equivalent of arterial blood oxygen saturation.

20 According to a further feature of the invention we provide a method of monitoring of SIDS in infants which comprises attaching a calibrated sensor as hereinbefore described to the skin of a patient and emitting white light, detecting and a measuring the scattered light.

The invention will now be described by way of example only and with reference to
25 ~~the accompanying drawings in which Figure 1 is a schematic representation of the~~
optical measurement method of the invention;

Figures 2(a) and 2(b) are both graphs which illustrate how the SO_2 values are calculated;

Figure 3 is a "hand held" sensor according to the invention;

30 Figure 4 is a representation of the schematic layout of the optical system of the sensor of the invention;

Figure 5 is a representation of the hand held sensor of the invention in use;
and

Figure 6a to d are graphs representing measured SO_2 values for different skin
colours.

5

The measurement technique can best be understood by reference to Figures 2(a) and
2(b). Analysis of the data to obtain an index of haemoglobin concentration and
arterial oxygen saturation (SaO_2) is carried out as follows: the gradients between 5
isobestic wavelengths (500, 520, 548, 575 and 586nm) are added to given an index
10 which is related to the haemoglobin concentration. This index is used to normalise
the measured tissue spectra. The oxygen saturation (SO_2) is calculated from the
gradients between the absorption peaks for de-oxygenated haemoglobin (560nm) and
the two adjacent isobestic wavelengths (548 and 575nm) of the normalised spectra.

15 The most important factor influencing the stability of the SaO_2 lies in our 6
wavelength analysis technique which incorporates the 5 isobestic wavelengths and
the single oxygenated/deoxygenated peak. The two accompanying Figures illustrate
how the HbI and SO_2 values are obtained from the spectra. HbI is the modulus of the
slopes of the lines connecting the isobestic points as shown in the first Figure 2(a): it
20 can be seen that any change in the general level of the signal, such as may occur due
to small changes in the distance of the probe from the skin would not have any
significant influence on this value. The absorption spectrum may shift up or down,
but the modulus of the slope remains constant.

25 ~~SO_2 values (Figure 2(b) are calculated from the modulus of the slopes of the~~
extinction values between the neighbouring isobestic points and the deoxygenated
peak, normalised to the HbI value. We thus obtain not only an SO_2 value but, on the
way, we can also obtain a measure of relative haemoglobin concentration (HbI) from
our measurements.

30

P36067

CLAIMS

1. A sensor device which comprises light source means for emitting a light beam, optionally of a plurality of at least three different wavelengths, photodetector
5 means for receiving the light beam after passing through or being reflected within living tissue and arranged to provide signals corresponding to the intensities of the respective wavelengths received by the photodetector means the arrangement being such that the signal levels corresponding to the different wavelengths bear a predetermined relationship with each other, and signal processing means for
10 processing the actual output signals from the photodetectors to cancel out variations due to motion artefact and to provide an output representing a parameter to be measured or monitored and substantially unaffected by motion artefact.
2. A method of graphical representation or determination of arterial oxygen
15 levels which involves the use of an algorithm;

$$\text{K-B Transformed spectrum} = 0.5 \times (R^2)/(1-R)$$

where R is the remitted spectrum,

20

which involves the steps of measuring the remitted spectrum from a light source measuring arterial blood flow.

25

30 P36067

THIS PAGE BLANK (USPTO)

FIGURE 1

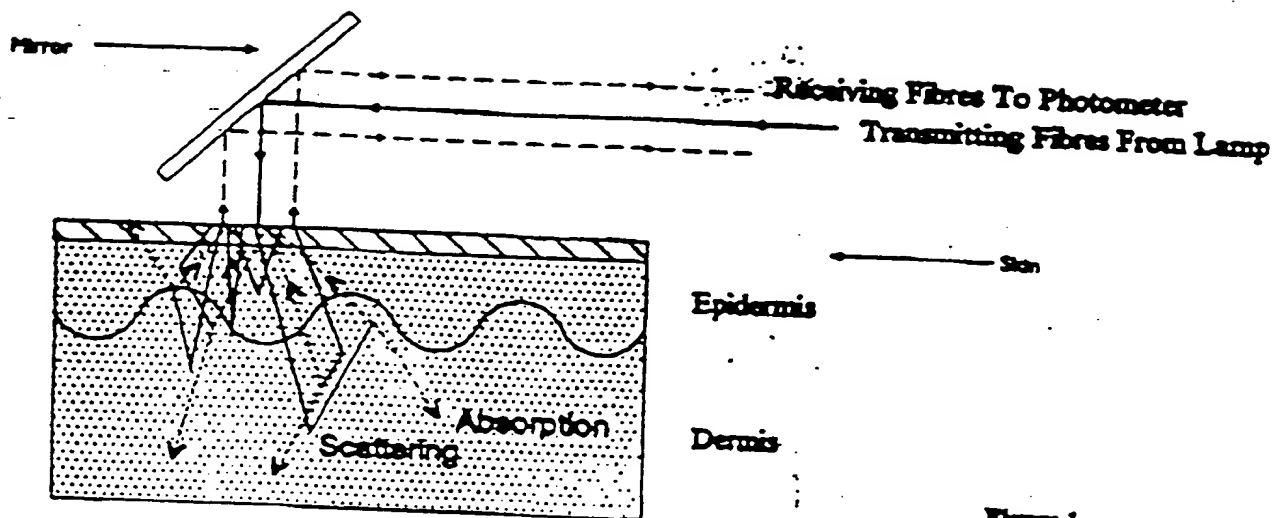


Figure 1
The Optical Blood Oxygen Saturation Sensor

THIS PAGE BLANK (USPTO)

FIGURE 2

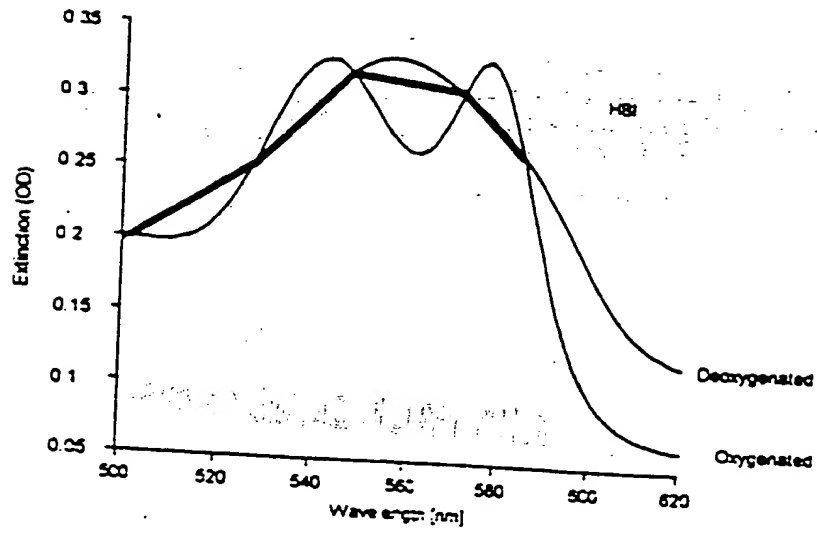


Figure 2(a)

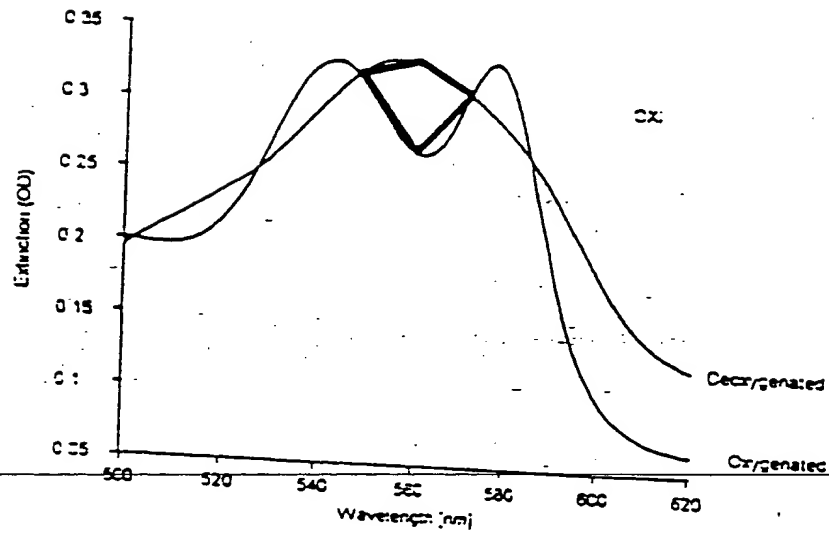
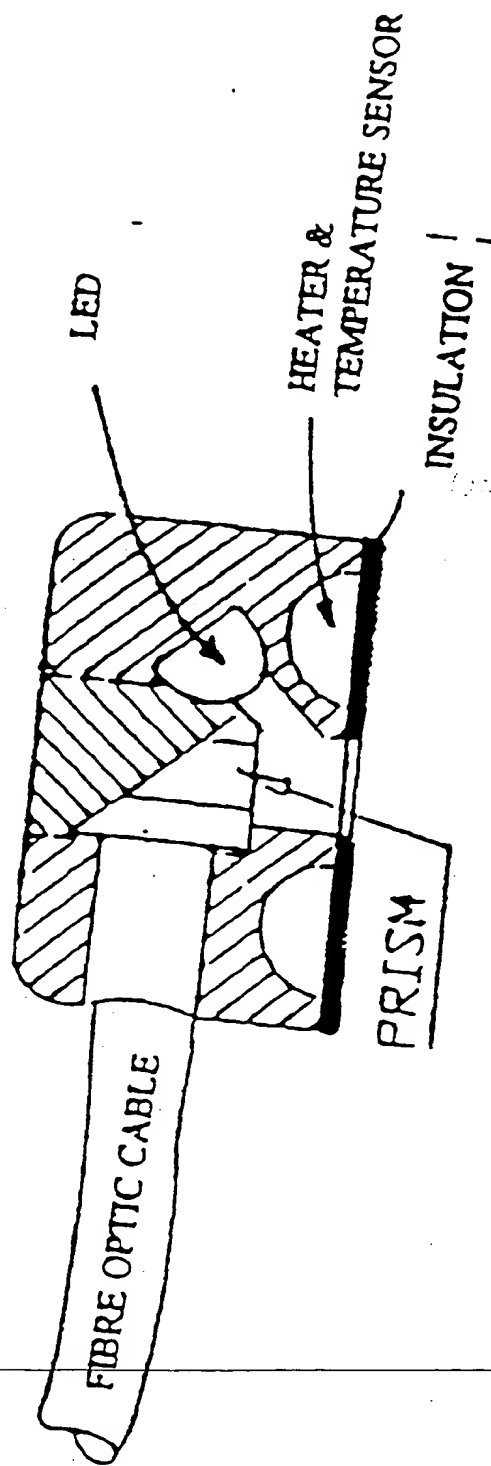


Figure 2(b)

THIS PAGE BLANK (USPTO)

FIGURE 3



RECEIVED TIME 6. AUG. 14:02

THIS PAGE BLANK (USPTO)

FIGURE 4

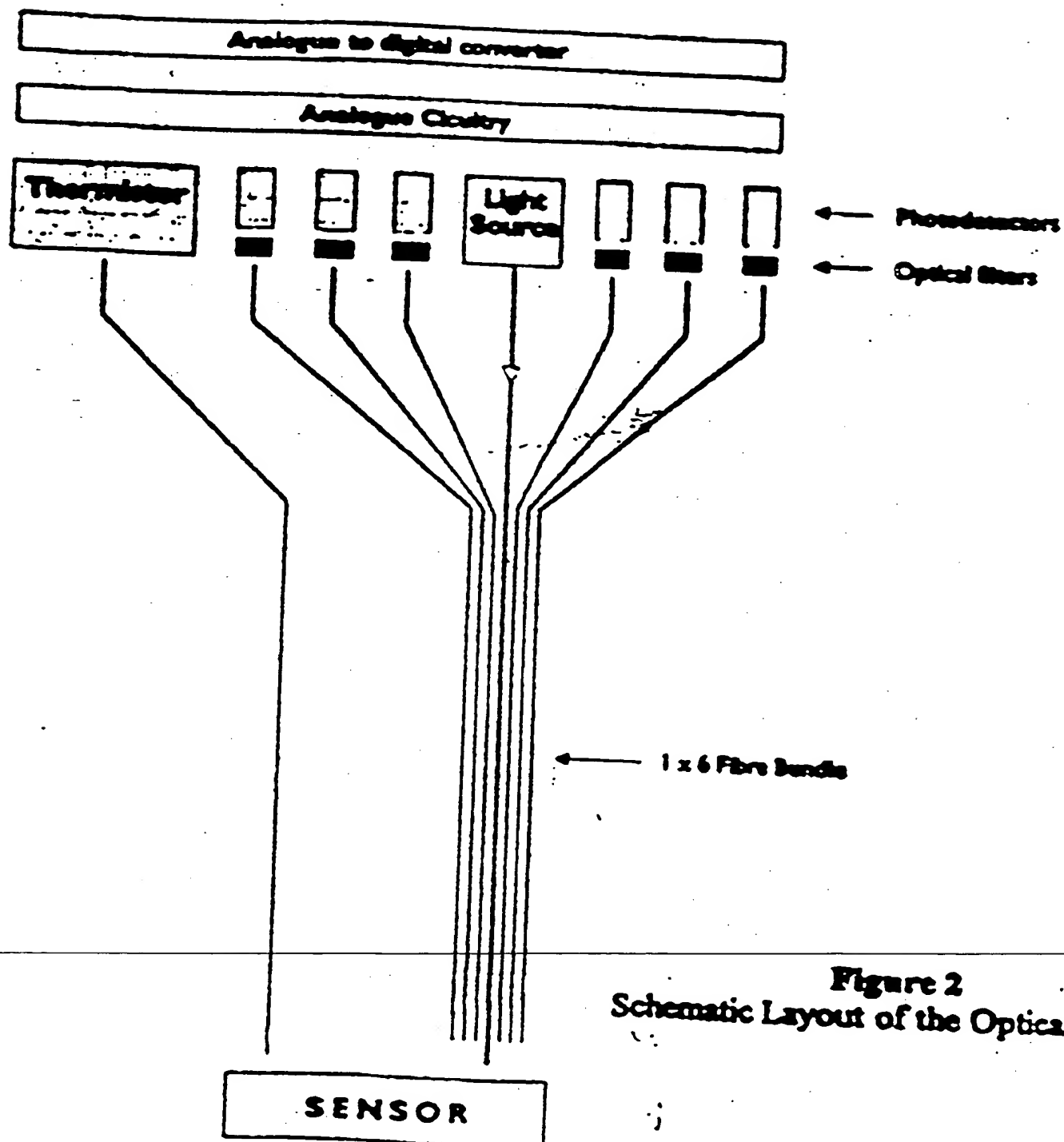


Figure 2
Schematic Layout of the Optical System

THIS PAGE BLANK (USPTO)

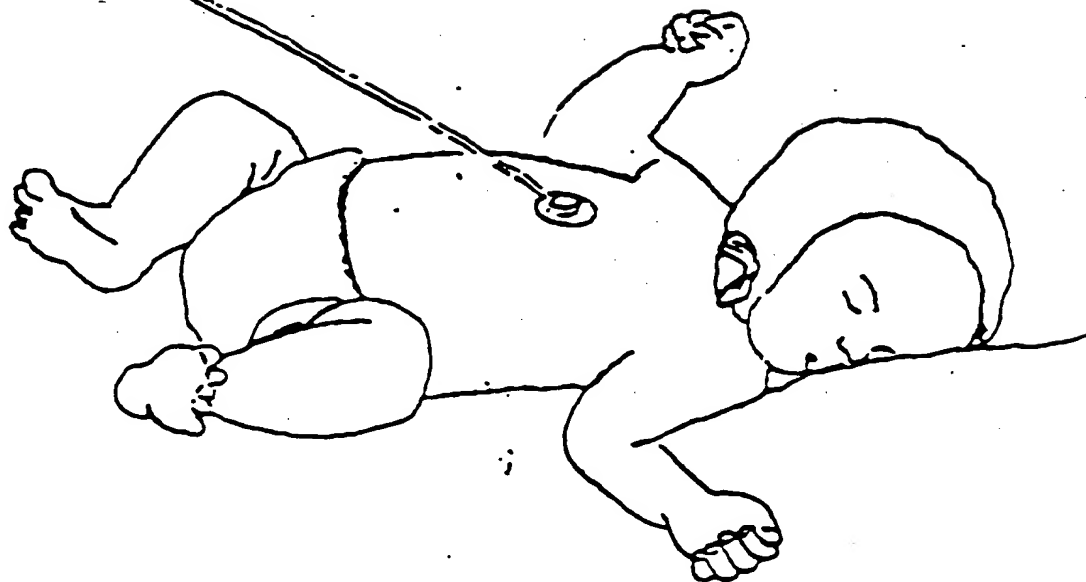
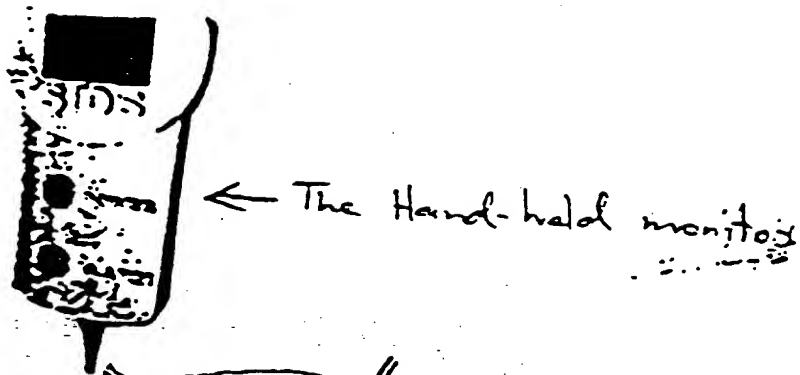


Figure 5

THIS PAGE BLANK (USPTO)

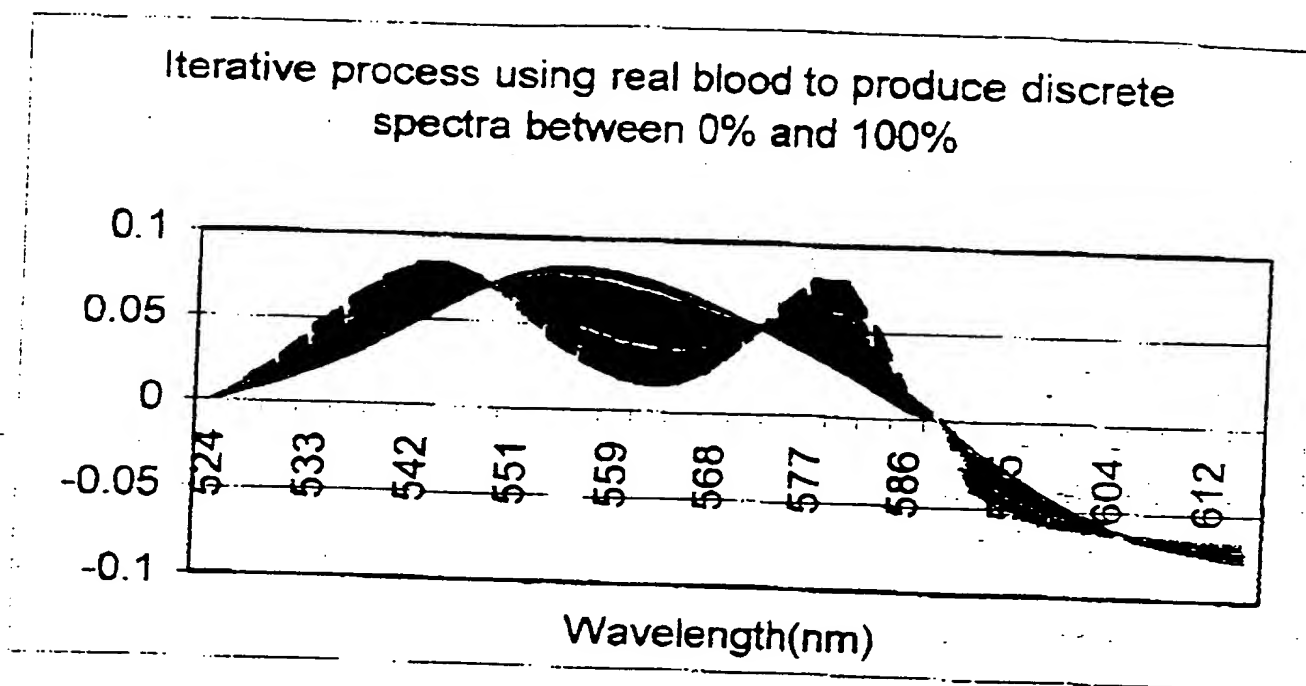


Figure 1

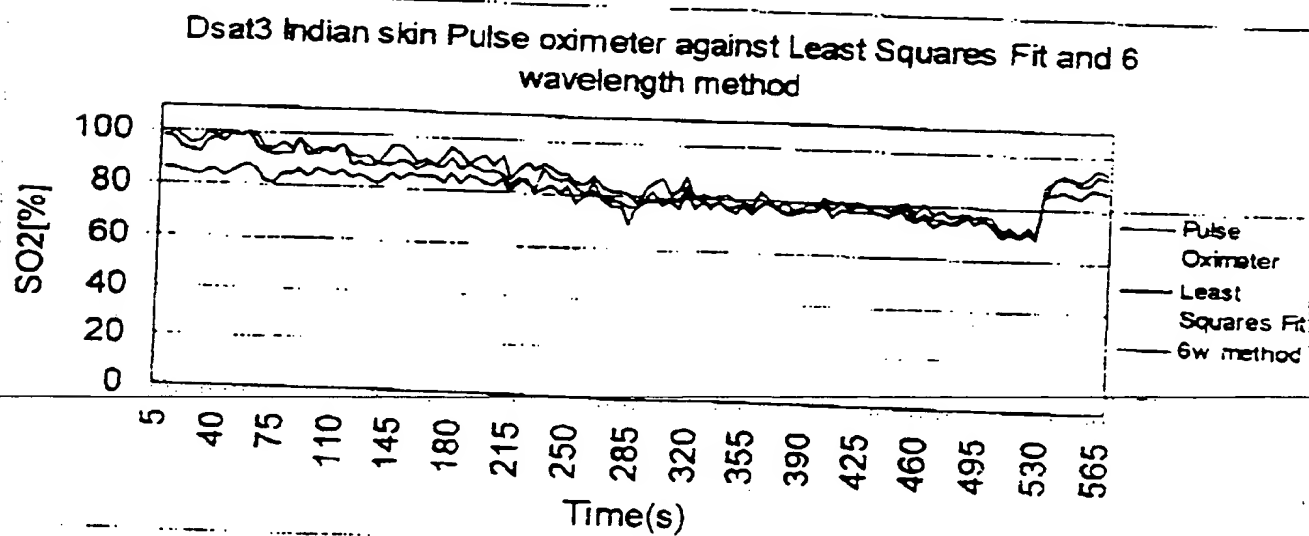


Figure 2

THIS PAGE BLANK (USPTO)

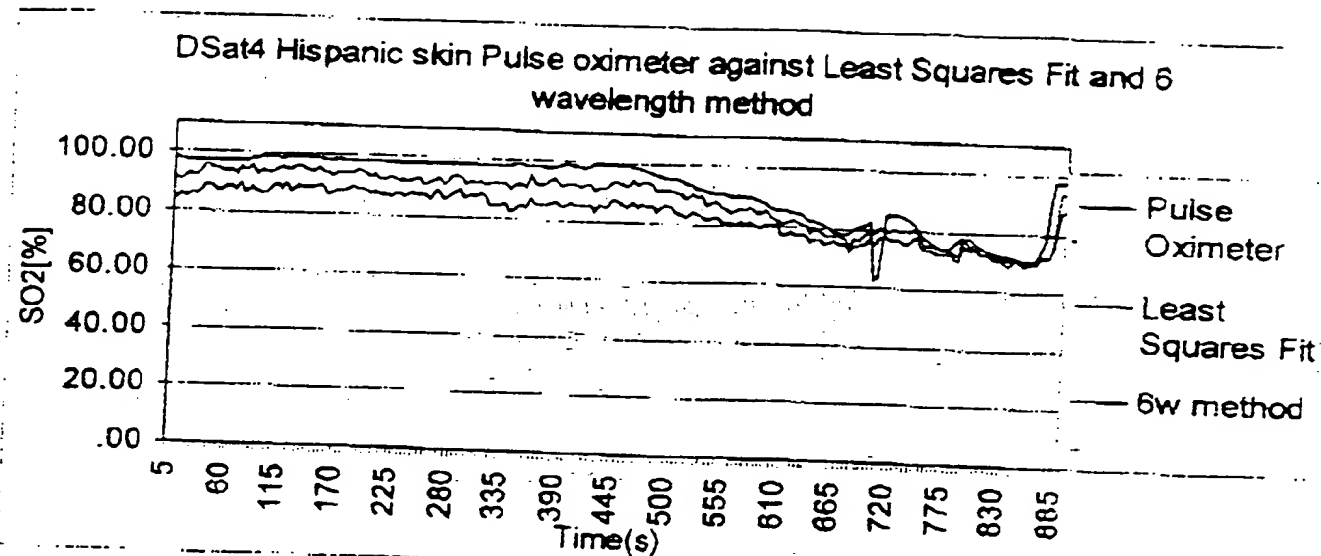


Figure 3

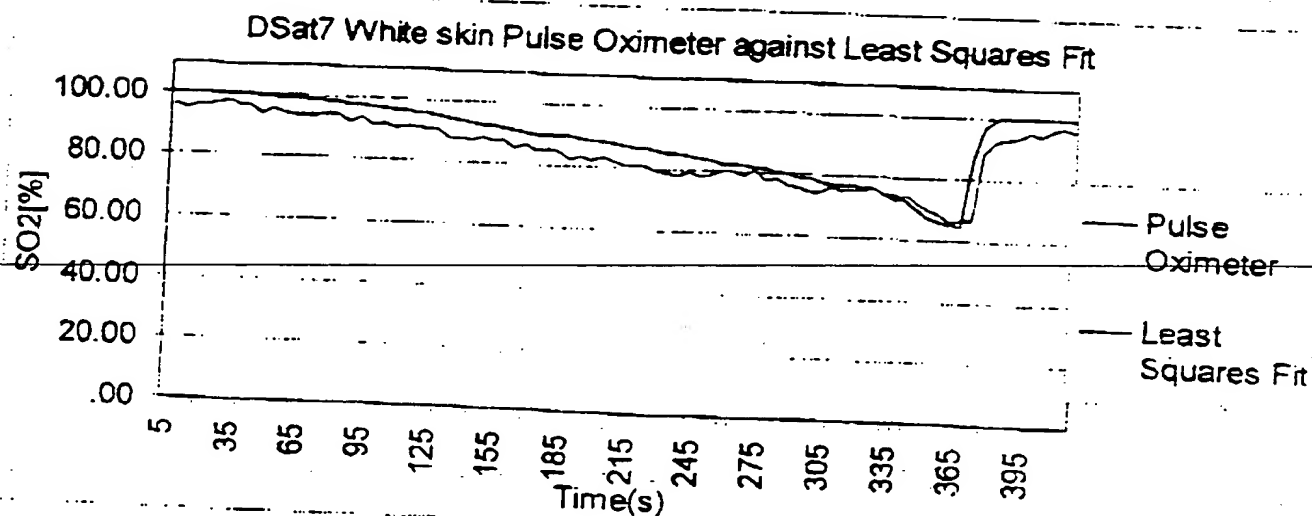


Figure 4

ACT/9899/02510

304/99

Honorable Secretary

7
R

THIS PAGE BLANK (USPTO)
